

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PROJET HIRE HOLDINGS INC. AND
TALENT HIRE LLC,

Plaintiffs,

v.

CEIPAL CORP.,

Defendant.

**USDC-S.D.N.Y.
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 12/30/2020**

20-CV-6856 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiffs Project Hire Holdings and TALENT HIRE filed this lawsuit in August 2020, bringing claims for trademark infringement, unfair competition, and counterfeiting in connection with Defendant Ceipal's alleged use of Plaintiffs' "TALENT HIRE" service mark. *See* Dkt. 1; Dkt. 7 (amended complaint). On December 1, 2020, Defendant filed both a motion to dismiss the amended complaint, *see* Dkt. 30, and a motion to transfer venue to the Western District of New York, *see* Dkt. 26. On December 29, 2020, Plaintiffs filed a letter consenting to the motion to transfer venue. *See* Dkt. 39.

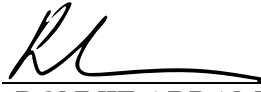
"For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented." 28 U.S.C. § 1404(a). In light of Plaintiffs' consent to the transfer of venue, Defendant's motion to transfer venue pursuant is hereby granted.¹

¹ The Court also notes that this action "might have been brought" in the Western District of New York. *See* 28 U.S.C. §§ 1391(b)(1), (2). Ceipal's principal place of business is in Rochester, NY. *See* Dkt. 1 at 11; Dkt. 27 at 2. Moreover, as the litigation concerns Defendant's business activities, and in particular its use of the term "TalentHire," a substantial part of the events giving rise to the lawsuit occurred in the Western District of New York. *See* Dkt. 27 at 7.

The Court declines to address Defendants' pending motion to dismiss, *see* Dkt. 30, or the viability of Plaintiffs' second amended complaint, *see* Dkts. 40, 41, as these issues are properly resolved by the transferee court. *See Enigma Software Grp. USA, LLC v. Malwarebytes Inc.*, 260 F. Supp. 3d 401, 413 (S.D.N.Y. 2017). The conference scheduled for January 8, 2021 is hereby adjourned. The Clerk of Court is respectfully directed to terminate the motion pending at Dkt. 26 and to transfer this case to the Western District of New York.

SO ORDERED.

Dated: December 30, 2020
New York, New York



RONNIE ABRAMS
United States District Judge